

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PATTY BEALL, MATTHEW MAXWELL,)
DAVID GRAVELY, TALINA MCELHANY,)
KELLY HAMPTON, CASEY BROWN,)
JASON BONNER, KEVIN TULLOS,)
ANTHONY DODD, ILENE MEYERS,)
TOM O'HAVER, JOY BIBLES, DON)
LOCCHI and MELISSA PASTOR,)
Individually and on behalf of)
all others similarly situated;)

Plaintiffs)

vs.) 2:08-cv-422-TJW

TYLER TECHNOLOGIES, INC., and)
EDP ENTERPRISES, INC.)

Defendants.)

DEPOSITION OF
CHRISTOPHER HEPBURN
PORTLAND, MAINE
AUGUST 18, 2010

ATKINSON-BAKER, INC.

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REPORTED BY: Cheryl C. Pieske, RMR

FILE NO.: A40636E

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14 Plaintiff,)

15 vs.) 2:08-cv-422 TJW

16 TYLER TECHNOLOGIES, INC., and,)

17 EDP ENTERPRISES, INC.,)

18 Defendants.)

19 -----
20
21 Deposition of CHRISTOPHER HEPBURN, taken on

22 behalf of Plaintiff, at Congress Street, Portland, Maine,

23 commencing at 8:32 a.m., Wednesday, August 18, 2010, before

24 Cheryl C. Pieske, RMR, Court Reporter and Notary

25 Public.

A P P E A R A N C E S:

FOR PLAINTIFFS:

SLOAN, BAGLEY, HATCHER & PERRY LAW FIRM

BY: LAUREEN F. BAGLEY, ESQ.

101 East Whaley Street

P.O. Drawer 2909

Longview, Texas 75606

ZELBST, HOLMES & BUTLER

BY: CHANDRA L. HOLMES RAY, ESQ.

P.O. Box 365

Lawton, Oklahoma 73502-0365

FOR DEFENDANT:

MORGAN, LEWIS & BOCKIUS, LLP

BY: PAULO B. McKEEBY, ESQ.

1717 Main Street, Suite 3200

Dallas, Texas, 75201-7347

TYLER TECHNOLOGIES, INC.

H. LYNN MOORE, ESQ.

In-house Counsel

I N D E X

DEPONENT: CHRISTOPHER HEPBURN

EXAMINATION

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By Ms. Ray

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EXHIBITS

NUMBER

DESCRIPTION

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1 Notice of Oral and Video Deposition

9

1 08:49:15 you an implementation specialist?

2 08:49:22 A. You're testing my memory. That's a difficult

3 08:49:26 question to answer. When I started, the support

4 08:49:29 specialist and implementation specialist roles were

5 08:49:32 really combined. So I would say 2 years.

6 08:49:34 Q. Okay. Was that before Tyler Technologies

7 08:49:38 purchased the division you were working in or after?

8 08:49:41 A. Before.

9 08:49:41 Q. Before. Was that also MUNIS?

10 08:49:44 A. Yes.

11 08:49:48 Q. And when you became vice-president of services

12 08:49:51 in MUNIS, was that before or after Tyler Technologies

13 08:49:54 purchased your division?

14 08:50:01 A. Did you say vice-president of services?

15 08:50:04 Q. I think I did, and I may have written it down

16 08:50:07 incorrectly and I apologize.

17 08:50:08 A. That's okay. I believe that was after Tyler

18 08:50:11 had acquired us.

19 08:50:12 Q. Okay. Do you recall the date when Tyler

20 08:50:15 acquired MUNIS?

21 08:50:17 A. Not the specific date. On or around 1999, in

22 08:50:22 1999.

23 08:50:22 Q. Right. And that's fine. And when did you

24 08:50:26 become president of Schools?

25 08:50:28 A. January of this year.

1 08:50:31 Q. Okay. Now, I'm going to go back just a little
2 08:50:43 bit. You said -- to the documents that you reviewed, the
3 08:50:47 job descriptions, the evaluations, the time sheets, and
4 08:50:49 the notice. Why did you review those particular
5 08:50:54 documents?

6 08:50:54 A. They were presented by Paulo, and I was asked
7 08:51:02 to review them to prepare for today.

8 08:51:06 Q. Okay. Did you review any documents on your own
9 08:51:10 to help you prepare for this deposition today?

10 08:51:13 A. No.

11 08:51:15 Q. Okay. When you were an implementation
12 08:51:27 specialist and support specialist, how were those two
13 08:51:29 jobs combined? What were the duties of them?

14 08:51:32 A. In a small company, which we were, when I was
15 08:51:40 not answering phones as a support specialist, I would go
16 08:51:45 on site to clients to perform implementation services.

17 08:51:52 Q. Okay. And what were the implementation
18 08:51:54 services you performed?

19 08:51:55 A. It would be a very long list. I'll try to
20 08:52:04 summarize the highlights.

21 08:52:05 Q. Sure.

22 08:52:06 A. Analyze their -- their current business
23 08:52:11 practices, determine any changes to business practices,
24 08:52:21 configure software to adhere to those changing business
25 08:52:26 practices, review configuration with client, receive

1 08:52:35 client acceptance, review conversion files, load

2 08:52:48 conversion files, educate senior staff and user staff on

3 08:53:05 application, assist with go-live transition, assist with

4 08:53:10 post go-live support, and those are very high level. I'm

5 08:53:15 not encompassing all.

6 08:53:17 Q. Would you say those were the primary duties?

7 08:53:19 A. The primary ones I can recall.

8 08:53:24 Q. Okay. And what did you have to do when you

9 08:53:35 were analyzing current business practices of a customer?

10 08:53:37 A. A lot of question and answer, interviewing,

11 08:53:46 why -- learning why they do -- why they do what they do

12 08:53:51 in the order that they do things, what changes they would

13 08:53:55 like to make. In summary, a lot of interviewing.

14 08:53:58 Q. And what is the purpose of that interviewing?

15 08:54:01 I know it's to find out what they're doing, but I

16 08:54:04 understand the surface purpose. But what was the purpose

17 08:54:06 for you as an implementation specialist?

18 08:54:12 A. Primarily to see if there were any business

19 08:54:14 changes that the client would like to undertake.

20 08:54:16 Q. Okay. And what software module were you

21 08:54:22 implementing?

22 08:54:23 A. MUNIS.

23 08:54:23 Q. Okay. And was it -- what particular part of

24 08:54:28 MUNIS? Anything specific?

25 08:54:30 A. All.

1 08:54:31 Q. All of it?

2 08:54:31 A. (Nodding.)

3 08:54:32 Q. Okay. Did you have a list of questions that

4 08:54:37 you asked all the customers or a basic list that you went

5 08:54:42 from?

6 08:54:42 A. No. I would say it was very dynamic.

7 08:54:46 Q. Uh-hmm. How so?

8 08:54:48 A. There was no pre-determined list of questions

9 08:54:55 that I was given or we had at the time.

10 08:54:57 Q. What was your purpose in asking these

11 08:55:04 particular questions? And I know we've talked about to

12 08:55:07 see if there were any business changes they wanted to

13 08:55:09 make, but how was that important to you if there was a

14 08:55:11 business change that the customer wanted to make?

15 08:55:13 A. I'll provide an example. Would that be --

16 08:55:17 Q. Sure.

17 08:55:18 A. -- that be okay? We'll take accounts payable.

18 08:55:25 They have a choice whether they would like to centralize

19 08:55:30 accounts payable functions or decentralize accounts

20 08:55:34 payable functions. That one decision impacts software

21 08:55:37 configuration and subsequent education.

22 08:55:46 Q. Okay. And would you tell the client which one

23 08:55:52 they should do?

24 08:55:53 A. No. My role was to explain the differences,

25 08:56:00 the pros of one, cons of one, pros of other, cons of

1 08:56:04 other. Ultimately, it's their decision. My role would

2 08:56:07 be to offer --

3 08:56:10 Q. Options.

4 08:56:11 A. -- options and the detailed analysis of those

5 08:56:15 options but not a recommendation.

6 08:56:17 Q. And when you say the detailed analysis, you're

7 08:56:19 referring to the particular effects each option would

8 08:56:24 have in terms of how they functioned; is that correct?

9 08:56:27 A. That -- correct.

10 08:56:32 Q. In other words, if it's centralized, you're

11 08:56:34 going to go through these particular steps to do things;

12 08:56:40 and if it's decentralized, you're going to go through

13 08:56:42 these particular steps to do things. Is that right?

14 08:56:45 A. Correct. Correct, steps and who authorizes

15 08:56:52 data, who enters data, at what points does data get

16 08:56:57 authorized, and again who has the authorization to bless

17 08:57:04 data. We're talking about checks going out to vendors.

18 08:57:06 Q. All right. When you're talking about

19 08:57:08 authorization, do you tell the client who should be

20 08:57:11 authorized to have access to certain information?

21 08:57:14 A. Again, no. It wouldn't be my place to tell

22 08:57:19 them who should have authorization; just simply an

23 08:57:22 authorization point needs to be made, who do they want to

24 08:57:26 denote as that individual.

25 08:57:28 Q. Okay. Is there anything else about analyzing

1 08:57:32 their current business practices that you used to do as

2 08:57:36 an implementation specialist and support specialist --

3 08:57:39 actually, we're just talking about the implementation

4 08:57:41 role --

5 08:57:41 A. Uh-hmm.

6 08:57:42 Q. -- that we haven't talked about.

7 08:57:44 MR. MCKEEBY: Go ahead, if you understand.

8 08:57:50 A. The example I gave was one of --

9 08:58:00 BY MS. RAY:

10 08:58:00 Q. Many?

11 08:58:00 A. -- hundreds.

12 08:58:01 Q. Yeah.

13 08:58:02 A. But I think it provides a good illustration of

14 08:58:06 a specific question. There's no specific answer.

15 08:58:10 There's no clear-cut you will do this. It's presenting a

16 08:58:17 question, presenting the different options of the

17 08:58:19 question, gathering that information and then having the

18 08:58:25 connection of how that impacts the software

19 08:58:27 configuration.

20 08:58:28 Q. All right. And I think -- if I understand you

21 08:58:30 correctly, that with the exception of the many other

22 08:58:34 examples that you could provide as to how that worked,

23 08:58:36 we've discussed everything that you would have to have

24 08:58:40 done when you analyze the current business practices of a

25 08:58:44 customer?

1 08:58:47 A. I wouldn't say that. That is -- questions and
2 08:58:51 answers are one example. There could be others, off the
3 08:58:54 top of my head, of what I had conducted.

4 08:58:57 Q. Okay. Like what?

5 08:58:58 A. Another example would be their banking. Did
6 08:59:07 they want positive pay, did I have to contact the bank,
7 08:59:11 obtain bank files. So that would be something that I
8 08:59:14 would have done on behalf of the client, but it wouldn't
9 08:59:17 be a question-and-answer session --

10 08:59:18 Q. Uh-hmm.

11 08:59:19 A. -- in that type of analysis.

12 08:59:21 Q. Was that part of your normal duties, or was
13 08:59:23 that something that was -- just came up on occasion?

14 08:59:26 MR. McKEEBY: Object to the form of the question.
15 08:59:32 You can answer.

16 08:59:33 A. Every single client is different. Every single
17 08:59:38 implementation is different. There is no -- there is no
18 08:59:42 cookie cutter approach. So it's hard for me to answer
19 08:59:45 that because at Client A, I may have dealt with the
20 08:59:50 banking items. At Client B I may not have. So it's -- I
21 08:59:57 think the example is just that. It's an example but not
22 09:00:01 meant to imply that that's -- that there was a set -- a
23 09:00:08 set model that was repeatable.

24 09:00:11 Q. There would be things that would come up
25 09:00:13 repetitively though, correct?

1 09:00:14 A. Certainly.

2 09:00:18 Q. What types of things would come up

3 09:00:20 repetitively?

4 09:00:20 A. In a financial application and payroll

5 09:00:30 application and tax and utilities, which is what MUNIS

6 09:00:34 is, you would have a chart of accounts, you would have

7 09:00:38 vendors, you would have employees, you would have

8 09:00:40 customers that you were going to bill. You'd have those

9 09:00:44 repetitive situations that you would need to establish in

10 09:00:49 the software.

11 09:00:49 Q. And the software didn't change, correct, unless

12 09:00:53 there was a new version or, you know, something like that

13 09:00:56 happened?

14 09:00:56 A. I would say it changed a lot.

15 09:00:58 Q. Okay. How did it change?

16 09:00:59 A. There are -- the developers are showing up to

17 09:01:06 work every day. They're constantly changing the

18 09:01:09 software. That's their job. So I would expect at client

19 09:01:14 A to work with a version of software that was different

20 09:01:17 from client B.

21 09:01:17 Q. Uh-hmm.

22 09:01:18 A. I guess I was just -- just used to that.

23 09:01:21 Q. And the versions that would come in and change,

24 09:01:24 would they be updates?

25 09:01:25 A. You could have two paths. An update is

1 09:01:32 something that I would consider be given to every client,

2 09:01:36 and then there's another path which is you could be

3 09:01:38 working with a client that is receiving custom software

4 09:01:43 modifications.

5 09:01:43 Q. And I'm going to get back to that in a minute.

6 09:01:48 Is there anything else that you can think of that you

7 09:01:51 would do when you were analyzing current business

8 09:01:54 practices?

9 09:02:00 A. Off the top of my head, I think that's the

10 09:02:02 major predominant items that I performed.

11 09:02:06 Q. Now, the next thing you said that you would do

12 09:02:08 is determine changes in their business practice. Is that

13 09:02:13 kind of really along the lines of what we've already

14 09:02:16 discussed, or is there something different to that?

15 09:02:18 A. I don't -- I don't believe I would determine

16 09:02:26 the changes. My role was to ask questions to see if the

17 09:02:31 client wanted to change their business practices.

18 09:02:34 Q. Okay. So, once again, that's really kind of

19 09:02:38 talking about what we have already talked about in the

20 09:02:41 analyzing the current business practices, correct? It's

21 09:02:44 not like something totally different?

22 09:02:46 A. It's a part of that process.

23 09:02:48 Q. Right. Okay. I just want to make sure I

24 09:02:50 understood.

25 09:02:51 A. Okay.

1 09:02:51 Q. There is nothing else that we haven't discussed

2 09:02:53 that goes into determining the changes in the business

3 09:02:56 practice within the confines of what we already

4 09:03:04 discussed?

5 09:03:04 A. My hesitation is there -- there could be other

6 09:03:16 items that I'm just not recalling right now.

7 09:03:18 Q. Okay.

8 09:03:19 A. I don't want to imply that it's a finite or

9 09:03:23 it's a black-and-white list or it's follow checklist 1

10 09:03:27 through 10. It's anything but follow checklist 1 through

11 09:03:30 10.

12 09:03:30 Q. If you recall something different, would you

13 09:03:32 please notify your attorney so that he could let us know?

14 09:03:36 A. Yes, I will.

15 09:03:37 MR. McKEEBY: Or if something triggers your

16 09:03:39 recollection during the day, we can take a break --

17 09:03:41 MS. RAY: Absolutely.

18 09:03:42 MR. McKEEBY: -- and we can come back to that point.

19 09:03:43 BY MS. RAY:

20 09:03:43 Q. The next thing you talked about was configuring

21 09:03:46 software to adhere to the client's practices. Can you

22 09:03:52 tell me what you did to configure the software to adhere

23 09:03:55 to the client's practices?

24 09:03:56 A. I will use the -- I will continue with the

25 09:04:00 example of accounts payable. If a client during the

1 09:04:06 question-and-answer session stated that they historically
2 09:04:11 have always run accounts payable invoice out of a central
3 09:04:17 accounts payable office at town or city hall and they
4 09:04:20 find that to be inefficient and they'd like to
5 09:04:23 decentralize that process, then that answer would lead me
6 09:04:30 down a path of having to ask who at each department would
7 09:04:37 be entering those invoices, set those users up in the
8 09:04:40 system, set the department codes up in the system so that
9 09:04:45 user A is in department 1, user B is in department 2; and
10 09:04:51 then the data that's entered at the user's would have to
11 09:04:56 funnel to an appropriate person within the central. It
12 09:04:59 could be more than one person. So then I would have to
13 09:05:02 configure work flow to say that if departments 1, 2, 3
14 09:05:07 would go to one person in central accounts payable, and
15 09:05:12 departments 4, 5, 6 would go to another. I would have to
16 09:05:15 train them and make sure they understood that when it was
17 09:05:19 their turn to review and approve those invoices, what
18 09:05:23 they did, and that training would be completely different
19 09:05:29 if the next client said, well, we would just as soon keep
20 09:05:33 it as a central accounts payable function. Then there
21 09:05:38 wouldn't be a departmental need. There wouldn't be the
22 09:05:41 work flow need. But then I would need to educate the
23 09:05:44 departmental folks on how to enter an invoice and how to
24 09:05:47 approve it, et cetera. So two different -- two different
25 09:05:52 implementations.

1 09:27:58 So I was connected.

2 09:27:59 Q. Okay. And you said that's for a short time?

3 09:28:02 A. Every client is different based upon size and

4 09:28:05 the applications that they're going on. Financials are

5 09:28:09 shorter, that extended time. Revenue and applications

6 09:28:13 are much longer just given the nature of the revenue

7 09:28:17 applications because they're going to run items for a

8 09:28:21 year that are still the first time even though they're

9 09:28:24 live. So in a revenue application, go-live support might

10 09:28:28 be a year. I think in financials it might be 2 weeks.

11 09:28:30 But you're connected for a period of time.

12 09:28:32 Q. All right. There is not meant to be a

13 09:28:34 permanent connection; is that correct?

14 09:28:35 A. That's correct.

15 09:28:36 Q. Okay. Okay I think we can go ahead and take a

16 09:28:41 break now.

17 09:28:43 THE VIDEOGRAPHER: The time is 9:28 a.m. We're off

18 09:28:46 the record.

19 09:28:47 (Whereupon a recess was taken.)

20 09:40:00 THE VIDEOGRAPHER: Time is 9:40 a.m. We're back on

21 09:40:06 the record.

22 09:40:07 BY MS. RAY:

23 09:40:09 Q. Mr. Hepburn, we are back after a short break.

24 09:40:11 Are you ready to proceed?

25 09:40:12 A. Yes.

1 09:40:12 Q. Okay. Now, after you finished becoming an
2 09:40:21 implementation person, for lack of a better term, you
3 09:40:23 progressed up through the company, correct?

4 09:40:25 A. Yes.

5 09:40:26 Q. And you are now president of Schools. Am I
6 09:40:30 right?

7 09:40:31 A. Yes.

8 09:40:31 Q. Okay. And you are designated by Tyler
9 09:40:36 Technologies to testify about the job duties of the
10 09:40:42 implementation specialist and consultants that are listed
11 09:40:45 in Exhibit A to our notice, correct?

12 09:40:47 A. Yes.

13 09:40:47 Q. Can you please tell me what the job duties are
14 09:40:54 of those implementation specialists and consultants?

15 09:41:00 MR. McKEEBY: Again, my responses I explained that
16 09:41:03 he could testify generally what the functions associated
17 09:41:05 with implementing were, not necessarily delineate the
18 09:41:11 specific job functions of each and every plaintiff. So I
19 09:41:15 mean, that needs to be part of your question.

20 09:41:17 BY MS. RAY:

21 09:41:18 Q. Yes. Have you done -- let me strike that.
22 09:41:21 Through the course of your discussions with the people
23 09:41:26 that you referred to earlier, like Bruce and Chris and
24 09:41:30 Danelle and Brett, did you ascertain what the job
25 09:41:34 functions are of the implementation specialists or

1 09:41:37 consultants that worked for those particular divisions?

2 09:41:40 A. In general terms, yes.

3 09:41:41 Q. Okay. Can you please tell me what the job

4 09:41:45 duties and functions are of the implementation

5 09:41:47 specialists and consultants as you have understood it?

6 09:41:51 A. The difficulty in answering is it varies

7 09:41:59 greatly across division.

8 09:42:09 Q. Do your best.

9 09:42:11 A. In ERP the organizational structure is a

10 09:42:31 project manager/implementor combination and the

11 09:42:39 implementation duties within ERP are different, say, from

12 09:42:47 Courts and Justice where those -- the organizational

13 09:42:52 structure is different.

14 09:42:55 Q. Okay. How?

15 09:42:58 A. In the ERP organizational structure, the

16 09:43:05 project manager is a product expert. The project manager

17 09:43:15 consults with the client about product features. The

18 09:43:21 product manager is more engaged with the product

19 09:43:34 decisions and implementation approach.

20 09:43:37 Q. How?

21 09:43:37 A. The product managers having the analysis

22 09:43:42 discussions with the client.

23 09:43:48 Q. Okay. So your testimony I'm understanding is

24 09:43:56 that in ERP the product manager has the -- excuse me.

25 09:44:04 I'm sorry. The project manager is the one who does the

1 10:07:45 an expert. At Eden they have always been or historically
2 10:07:50 been what we call a bull-pen approach.

3 10:07:53 Q. Uh-hmm. Okay. And what about INCODE?

4 10:08:06 A. INCODE is a similar approach to Eden. They are
5 10:08:11 a bull-pen approach where the product -- I'm sorry, the
6 10:08:18 project manager is not the product expert.

7 10:08:26 Q. Okay. And so we don't need to go through all
8 10:08:30 of the particular job functions unless you tell me that
9 10:08:34 there is something unique. But is it fair to say that
10 10:08:37 the job duties and functions are -- mirror Eden's, in
11 10:08:44 other words, for the implementation specialists at
12 10:08:46 INCODE?

13 10:08:47 A. The other -- I wouldn't say 100 percent. The
14 10:09:00 INCODE has -- the INCODE team has tax, courts, and public
15 10:09:09 safety products which require specialization that the
16 10:09:16 Eden folks don't have.

17 10:09:21 Q. Okay. What type of specialization? Are we
18 10:09:24 talking product specialization, or are we talking about
19 10:09:27 tax background or something like that?

20 10:09:28 A. Both.

21 10:09:29 Q. Uh-hmm. Okay. And how so? What kind of
22 10:09:35 specialization is required for public safety?

23 10:09:38 A. I'll combine the public safety and the courts.
24 10:09:42 The nature of the implementations is kind of an all --
25 10:09:52 you want all of your applications going live at the same

1 10:09:57 time.

2 10:09:57 MR. McKEEBY: This is at INCODE?

3 10:09:59 THE DEPONENT: At INCODE dealing with -- and when we

4 10:10:03 get to it, Courts, and I can describe more later.

5 10:10:10 A. So that provides a level of, I would say,

6 10:10:21 management, getting all of your applications lined up to

7 10:10:27 go live at the same time where the Eden, the MUNIS, an

8 10:10:31 even INCODE financials can be staggered. You could do

9 10:10:36 financials one day, payroll one day. You could stagger

10 10:10:39 it out. But they have a different burden because you

11 10:10:44 want all of your courts and your public safety up and

12 10:10:49 running at one fell swoop so that when the sheriff pulls

13 10:10:53 someone over and they have an outstanding warrant for

14 10:10:55 them, that sheriff needs to know that or that sheriff

15 10:10:59 could be in trouble. So they have to -- the

16 10:11:02 implementation consultants because they don't have a

17 10:11:04 product -- project manager who is a product expert have

18 10:11:08 that added burden of managing multi-tasking that the Eden

19 10:11:13 folks and MUNIS folks don't have.

20 10:11:15 Q. And so I might understand correctly, because it

21 10:11:18 needs to go live at the same time, it's really a timing

22 10:11:21 issue?

23 10:11:22 A. It's -- it's -- I'd call it a project

24 10:11:25 management juggling issue.

25 10:11:28 Q. Uh-hmm.

1 10:11:29 A. And, remember, the product -- the project

2 10:11:30 manager is not a product expert. They're less -- a less

3 10:11:37 talented staff member than, say, their MUNIS

4 10:11:40 counterparts.

5 10:11:41 Q. I know that that's the term you're giving it,

6 10:11:43 but how is it to you considered a project management

7 10:11:47 issue?

8 10:11:49 A. The project -- can you clarify your question?

9 10:11:56 Q. I'm just going off of your answer. I am sorry.

10 10:11:58 But you said you know you would call it a project

11 10:12:00 management burden, I believe --

12 10:12:00 A. Uh-hmm.

13 10:12:06 Q. -- if I recall your testimony correctly, and

14 10:12:09 I'm just curious as to how it is a project management

15 10:12:13 burden?

16 10:12:13 A. The implementation consultant is leading the

17 10:12:18 project at Eden and at INCODE. They are the product

18 10:12:23 expert. They're engaged with the client, marrying the

19 10:12:29 product and the project, and they're reporting back to

20 10:12:33 someone, the project manager, who is a scheduling master.

21 10:12:37 Q. So is it -- is it your testimony that there are

22 10:12:43 project managers at Eden and INCODE, but their only

23 10:12:49 function is scheduling?

24 10:12:52 A. It would not be my testimony that their only

25 10:12:56 function is scheduling. I would say that they are

1 10:12:58 less -- their job duties and functions are less -- I'm
2 10:13:09 looking for the word. What would come less -- less than
3 10:13:12 their MUNIS counterpart where their MUNIS counterpart is
4 10:13:16 a product expert and the client expects to talk product,
5 10:13:20 with their MUNIS project manager expect to be able to
6 10:13:24 talk configuration, expects to be able to talk about why
7 10:13:28 decisions were made.

8 10:13:29 At Eden and INCODE the project manager is not going
9 10:13:32 to engage in those discussions with the client. They're
10 10:13:34 going to engage in your project is 50 percent complete
11 10:13:41 based upon the number of days we have delivered. That's
12 10:13:43 it. The client is going to have to talk to the
13 10:13:47 implementation staff member at Eden and INCODE to find
14 10:13:51 out where they are relative to their project in terms of
15 10:13:56 knowledge transfer, policies, procedures, to-be model.
16 10:14:00 It's all the implementation consultant's advice and
17 10:14:03 counsel.

18 10:14:03 Q. What are the job duties of the project manager,
19 10:14:06 then, at Eden and INCODE?

20 10:14:07 A. They schedule the bull pen. When I say bull
21 10:14:14 pen, all the implementors go into a calendar, if you
22 10:14:23 will, and the project manager schedules implementors to
23 10:14:28 go to client sites; and then when the implementor goes to
24 10:14:34 the client site, the implementor then runs that project.
25 10:14:36 So the project manager is scheduling, reviewing, again,

1 12:26:53 it into a billing record for client A. Correct?

2 12:26:56 A. The incorrect component of that is the employee

3 12:27:04 may have worked 80 hours this week. What's asked of them

4 12:27:10 is what is billable of that 80 hours. If you were in

5 12:27:14 your room studying 5 hours, that -- that doesn't get --

6 12:27:20 you might tell your project manager, but you're only

7 12:27:23 submitting to accounting what is billable to the client.

8 12:27:28 So we don't know that they worked 80 hours that week.

9 12:27:31 What we know is what was billable. So if you traveled on

10 12:27:34 Monday, traveled on Friday, and you had Tuesday,

11 12:27:37 Wednesday, Thursday were billable, what would come in was

12 12:27:41 3 days billable and what would go out to client is 3 days

13 12:27:44 billable.

14 12:27:44 Q. Correct, correct. Okay. Now, if a person

15 12:27:50 works at home or -- I mean not at home -- at the hotel

16 12:27:54 room after hours on something that is nonbillable,

17 12:27:58 obviously, that would not show up on the billing records,

18 12:28:01 correct?

19 12:28:01 A. That's correct.

20 12:28:01 Q. Okay. Do you know whether or not those show up

21 12:28:05 in any other place other than the time records that the

22 12:28:08 employees turn in?

23 12:28:10 A. I don't think they even show up on the time

24 12:28:12 records that the employee turns in because they're asked

25 12:28:15 to submit billable time.

1 12:28:19 Q. Okay.

2 12:28:19 A. I'm sorry. Vacation, sick time would be --

3 12:28:26 they would -- we would be -- they would be asked to

4 12:28:27 submit that for HR personnel records.

5 12:28:29 Q. And paid time off I think.

6 12:28:32 A. Paid time off.

7 12:28:33 Q. Right.

8 12:28:34 MR. McKEEBY: Well, I think that's -- we have seen

9 12:28:34 that vary from division to division, but that's sort of

10 12:28:38 outside the scope of your --

11 12:28:41 MS. RAY: Yeah, he's not here to testify to that. I

12 12:28:41 understand that.

13 12:28:42 MR. McKEEBY: Okay.

14 12:28:42 A. I would like to add travel time can be included

15 12:28:45 as that reporting because the employee may or may not be

16 12:28:48 eligible for a travel premium incentive. So I would have

17 12:28:52 to list my travel time, my billable time, and my paid

18 12:28:55 time off time.

19 12:28:56 BY MS. RAY:

20 12:28:56 Q. What type of training do the implementation

21 12:29:01 specialists go through when they're hired?

22 12:29:02 A. It varies across the divisions from extremely

23 12:29:08 informal to formal.

24 12:29:11 Q. With MUNIS how would you characterize it?

25 12;29:14 A. MUNIS I would characterize as semi-formal given

1 12:29:17 the size of the division and the ability to have staff
2 12:29:24 members who can help in the training area, but there is
3 12:29:29 no formal job title within the MUNIS division of training
4 12:29:34 coordinator.

5 12:29:34 Q. Do they shadow people for a period of time?
6 12:29:37 What do they do?

7 12:29:38 A. They're typically three components to the
8 12:29:43 training. Shadowing being one of the three components.
9 12:29:46 There's peer-led instruction, self-led instruction, and
10 12:29:53 shadowing.

11 12:29:54 Q. For how long does this --

12 12:29:57 A. At MUNIS --

13 12:29:58 Q. -- go on?

14 12:29:58 A. -- you have 90 days. No longer than 90. You
15 12:30:03 can complete -- you can be ready in less.

16 12:30:05 Q. Okay. What about Eden?

17 12:30:07 A. Eden I would call informal. They have the same
18 12:30:20 three criteria; however, more emphasis on the self and
19 12:30:27 the shadow.

20 12:30:30 Q. And how long?

21 12:30:31 A. They're 60 days with potential to go to 90, but
22 12:30:39 I think they'd like you to be done in 60.

23 12:30:41 Q. Okay. What about INCODE?

24 12:30:42 A. INCODE is, I'd say, semi-formal because they
25 12:30:49 have -- they're unique in that they have a learning

1 12:30:53 management system which they have developed which their

2 12:30:58 clients can pay for as an optional service, but their

3 12:31:02 implementors can utilize as a training aid, which is a

4 12:31:06 nice feature for them, but requires the self-study

5 12:31:11 component to be higher because now I have to take the

6 12:31:14 initiative to put myself through the learning management

7 12:31:17 system.

8 12:31:19 Q. But they still have the same three --

9 12:31:22 A. Yeah, there will be some peer -- when I'm stuck

10 12:31:25 in the learning management system, I'm going to go to

11 12:31:28 someone and have some peer and then the job shadowing --

12 12:31:33 Q. Shadowing?

13 12:31:34 A. -- as well.

14 12:31:34 Q. For how long?

15 12:31:35 A. My memory is fading me. I believe they're like

16 12:31:42 Eden, in the 60 to 90 days.

17 12:31:44 Q. Okay. What about Courts and Justice?

18 12:31:46 A. They have the most formal process where they

19 12:31:50 actually have a job position for training coordinator.

20 12:31:58 They have classes. They have exams. They will not let

21 12:32:03 you out of, quote, your education until you've met

22 12:32:08 certain competencies on your exams; and the timing is

23 12:32:13 6 months because of the specialization that is required

24 12:32:20 for their product.

25 12:32:21 Q. Do they have the shadowing and the --

1 12:32:25 A. Certain --

2 12:32:25 Q. -- other three things we talked about?

3 12:32:27 A. Yes. I would say their peer-led or classroom

4 12:32:31 led is a higher percentage than the other groups, and

5 12:32:36 they were work in the testing and the monitoring of your

6 12:32:40 progress through the 6-month education.

7 12:32:42 Q. And what about Eagle?

8 12:32:43 A. I honestly don't know how -- if the learning

9 12:32:49 management system has been tailored to Eagle. I don't

10 12:32:54 know the answer to that.

11 12:32:55 Q. Do they still have the three levels of training

12 12:32:58 or the three areas of training, I should say?

13 12:33:00 A. I'm 90 percent sure that they follow the peer

14 12:33:06 group, the self-study, and the shadowing. I don't know

15 12:33:09 the percentage weight on what's the most important in

16 12:33:14 their group.

17 12:33:14 Q. Do you know how many days?

18 12:33:15 A. I can't recall. I want to say their tax --

19 12:33:26 their component is much longer than their content

20 12:33:29 manager -- the tax product is much larger and the days to

21 12:33:32 bring on a new hire would be longer than the content

22 12:33:35 management component of what they do.

23 12:33:36 Q. So you don't know how many days?

24 12:33:38 A. Not -- not specifically by group.

25 12:33:40 Q. What about Fundbalance?

1 12:33:41 A. Not really. Again, that product is sort of in

2 12:33:49 maintenance mode. So there's not really a lot of hiring

3 12:33:52 and training per se going on.

4 12:33:54 Q. There may not be now. When there was in the

5 12:33:57 past, or any time after --

6 12:33:59 A. I wouldn't know -- I wouldn't recall from the

7 12:34:02 past --

8 12:34:03 Q. Okay.

9 12:34:04 A. -- what they went through.

10 12:34:05 Q. What about EDP?

11 12:34:06 A. EDP I would say is in the middle. They have a

12 12:34:14 department that conducts training that they do sell back

13 12:34:18 to clients. They have a training coordinator as part of

14 12:34:23 that -- as part of that business unit. They -- that

15 12:34:30 business unit actually trains other Tyler divisions on

16 12:34:35 general items such as Word, Excel. So they have the

17 12:34:40 luxury of that department. I'm drawing a blank on what

18 12:34:47 percentage of time they go through that versus the

19 12:34:49 self-study. All have a self-study component.

20 12:34:52 Q. And all have a shadow component and all --

21 12:34:54 A. All have a shadow component.

22 12:34:56 Q. Okay. Got you. And all have some peer-led

23 12:34:59 component, although some may be more formal than others?

24 12:35:02 A. That's correct.

25 12:35:02 Q. Gotcha. Okay. And how many days on EDP?

1 12:35:04 A. Again, I'm drawing a blank. They have two
2 12:35:13 product lines. They have the financial payroll, and then
3 12:35:16 they have the student. The financial payroll is probably
4 12:35:19 shorter. Maybe 60 days. The student, maybe longer,
5 12:35:23 120 days, but I'm drawing a blank on the specific number
6 12:35:25 of days because of the two different product lines that
7 12:35:29 they had.

8 12:35:30 Q. Okay.

9 12:35:30 MR. McKEEBY: If it's important to you, we could
10 12:35:32 leave blanks in the deposition and get that information
11 12:35:34 if it's available.

12 12:35:35 BY MS. RAY:

13 12:35:35 Q. Okay. I can do that. Now, you're also here to
14 12:35:40 testify about the criteria that was used to evaluate the
15 12:35:43 performance of the implementation specialists; are you
16 12:35:46 not?

17 12:35:46 A. That's correct.

18 12:35:47 Q. What testimony do you anticipate giving at
19 12:35:51 trial or to the judge about that particular area?

20 12:35:55 MR. McKEEBY: Well, I object to the form of the
21 12:35:57 question. You --

22 12:36:01 MS. RAY: Let me ask it better.

23 12:36:03 MR. McKEEBY: Thank you.

24 12:36:04 BY MS. RAY:

25 12:36:04 Q. Do you know what criteria was used to evaluate

1 12:36:11 their performance?

2 12:36:13 A. Based on the discussions I had with the folks

3 12:36:19 in preparation, yes.

4 12:36:20 Q. Okay. And what is your knowledge of that

5 12:36:26 criteria to be?

6 12:36:27 A. Tyler HR has a set of standards, if you will,

7 12:36:36 in terms of written documentation on is the employee

8 12:36:42 accountable, and I'd call it standard review form. The

9 12:36:51 manager -- across the board everyone I talked to said

10 12:36:57 that when they're determining the evaluation criteria,

11 12:37:01 it's based upon feedback from clients and feedback from

12 12:37:05 peers.

13 12:37:07 Q. Okay. So is there one standard review form

14 12:37:12 that's used for all of the implementation specialists?

15 12:37:16 A. There is now. Again, Tyler acquired these

16 12:37:20 organizations, and they may have had --

17 12:37:22 Q. Some of their own?

18 12:37:23 A. -- varying forms. They've evolved to a Tyler

19 12:37:27 standard.

20 12:37:27 Q. Okay. And when did they evolve to the Tyler

21 12:37:31 standard?

22 12:37:31 A. Over the past 4 or 5 years, and it's constantly

23 12:37:38 evolving. I don't want to -- I think that process is

24 12:37:42 never ending. I think that's an iterative process to

25 12:37:46 improve evaluations; but to get everyone consistent

1 12:37:49 started when Tyler went to a, you know, a corporate HR
2 12:37:54 level, which was I think 3 or 4, 5 years ago.

3 12:37:57 Q. Are there specific areas in which the
4 12:38:01 implementation specialists are graded, for lack of a
5 12:38:04 better term?

6 12:38:07 A. Well, I should say implementation specialists
7 12:38:15 and all employees are graded on general terms:
8 12:38:18 Accountability, professionalism, cooperation, timeliness.
9 12:38:28 And then when I talked about client feedback, are they
10 12:38:35 able -- now you're talking about implementation
11 12:38:38 consultants. Are they able to work with the client to
12 12:38:41 achieve our overall objectives, go-live, go-live
13 12:38:44 successfully.

14 12:38:44 Q. Anything within that criteria that gets more
15 12:38:57 specific; in other words, evaluating their -- oh, I don't
16 12:39:01 know. I know promptness is a bad word because that's
17 12:39:06 really a general one, but do you follow what I'm saying?

18 12:39:09 A. The -- I would -- based upon the discussions I
19 12:39:11 had with people, I -- it was very informal, meaning no
20 12:39:17 criteria, no process to follow with the exception of Eden
21 12:39:21 who did, does, utilize client -- client questionnaires to
22 12:39:29 obtain client feedback and some monitoring of
23 12:39:41 implementors at client sites, on-site peer review. They
24 12:39:45 were the most formal. The others were informal.

25 12:39:51 Q. Okay. And when you say informal, the -- you